

September 26, 2013

Marlene H. Dortch  
Secretary  
Federal Communication Commission  
Washington, DC 20554

Re: Hardy Telecommunications, Inc.'s Challenge to Connect America Fund, Phase 1, Round 2 for Certain Census Blocks  
WC Docket 10-90, Connect America Fund

Hardy Telecommunications, Inc. ("Hardy Telecommunications") is an incumbent local exchange carrier ("ILEC") that also operates as a competitive local exchange carrier ("CLEC") outside its ILEC service area in Hardy County, West Virginia. Hardy Telecommunications provides both voice and broadband services as an ILEC and a CLEC, and its subsidiary HardyNet operates as an internet service provider ("ISP"). Hardy Telecommunications has reviewed the Federal Communication Commission's published list of census blocks where incumbent local exchange carriers have requested to receive CAF Phase 1, Round 2 funds and has initiated the Phase 1 challenge process. Hardy Telecommunications hereby challenges certain census blocks from receiving CAF Phase 1 funds where they overlap the areas Hardy Telecommunications was awarded funds under the Broadband Technology Opportunities Program ("BTOP") to provide middle mile broadband infrastructure and the Broadband Initiative Program ("BIP") to provide fiber to the home in Hardy County, West Virginia. (See attached list of census blocks). The build out for the BTOP grant has been completed and approved, but the build out required pursuant to the BIP is on going. Accordingly, these census blocks are ineligible for any CAF support.

Hardy Telecommunications also challenges these census blocks because it currently offers broadband services exceeding the 3 Mbps/768 Kbps speed threshold where the CAF funding is being requested. (See attached list of census blocks). In fact, pursuant to the conditions of receiving BIP funds, Hardy Telecommunications was required to provide a cumulative of 5 Mbps of service to a customer. However, Hardy Telecommunications has internally committed to a minimum speed of 5 Mbps/ 2 Mbps to its customers being served as a result of the BIP grant.

**HARDYNET.COM**

For additional support of this challenge, please see the attached correspondence regarding Hardy Telecommunications' BTOP and BIP grant funding for Hardy County, West Virginia. In addition, please see the attached map of the requested census blocks in Hardy County and Hardy Telecommunication's broadband coverage of these locations and planned build out of these areas. Further, see the attached copy of Hardy Telecommunication's non-ILEC Form 477 Data submission (redacted and filed confidentially) showing the number of customers in which it is currently serving broadband in the identified census tracts and the speeds of the broadband service received by the customers.

If you have any questions or need additional information, please contact me.

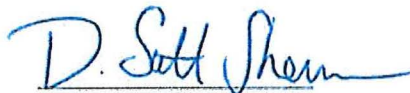
Sincerely,



D. Scott Sherman  
General Manager / CEO  
Hardy Telecommunications, Inc.

#### CERTIFICATION

As an officer of Hardy Telecommunications, Inc. ("Hardy Telecommunications"), I certify under penalty of perjury that Hardy Telecommunications has been awarded funds through the BTOP and BIP for West Virginia to provide broadband infrastructure and service for the census blocks listed in the Attachment. Therefore, these census blocks are ineligible for CAF support. Further, Hardy Telecommunications offers broadband exceeding 3 Mbps down/768 Kbps up speeds in the census blocks listed in the Attachment and, therefore, these census blocks are ineligible for Connect America Fund Phase 1, Round 2 Funds.



D. Scott Sherman  
General Manager  
Hardy Telecommunications, Inc.

09/26/2013  
Date